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Practitioner's Docket No. 2004-2156.CIP

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Regalo International, LLC  
Serial No.: 10/820,358  
Filed: April 7, 2004  
For: Mattress Hugging Bed Rail  
Examiner: SANTOS, Robert G.  
Group No.: 3673  
Confirmation No.: 8169

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


## Information Disclosure Statement

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby submits the attached Form(s) 1449 (or equivalent) such that the reference(s) listed may be considered and made of record. No representation is made that any of the listed reference(s) is prior art pursuant to 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

This Information Disclosure Statement is being filed in accordance with the following provision(s):

37 CFR 1.97(b)(3) Before the mailing of a first Office action on the merits. No fee is required.

I hereby certify that this correspondence and the documents referred to as enclosed therein are being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2005 to 1-571-273-8300 by applicant's attorney, Robert J. Jacobson.

  
Robert J. Jacobson, Reg. No. 32,419

(Information Disclosure Statement-page 1 of 3)

37 CFR 1.98(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- 2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

As to 37 CFR 1.97(b)(3), this Information Disclosure Statement is being facsimile transmitted on October 5, 2005, on which date the undersigned is also responding to the outstanding restriction requirement dated August 5, 2005.

As to 37 CFR 1.98(d), this application relies, under 35 U.S.C. 120, on the earlier filing date of U.S. Patent Application 10/652,296 filed August 29, 2003. The following references were submitted to, and/or cited by, the Patent Office in the prior application and, therefore, are not required to be provided in this application: the Brewin et al. U.S. Patent Application Publication No. 2004/0250347 A1, which references was cited by the Patent Office with the Notice of Allowance of June 3, 2005 of U.S. Patent Application 10/652,296 and is listed on the attached PTO-1449 form "1 of 2."

#### Additional references

PTO-1449 form number "2 of 2" lists a reference identified in the Office Action dated September 13, 2005 of U.S. Patent Application Number 11/157,723 (a divisional of the parent case

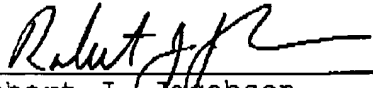
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(Information Disclosure Statement--page 2 of 3)

10/652,296). This reference, the Hannaberg U.S. Patent No. 3,474,473, is being transmitted herewith.

Respectfully submitted,

Date: 10-5-05

  
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(Information Disclosure Statement—page 3 of 3)



PTO/SB/08a (08-03)

Approved for use through 07/31/2008. OMB 0651-0031  
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| Substitute for form 1449A/PTO   |     |    |     | <b>Complete If Known</b> |                  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |     |    |     | Application Number       | 10/820,358       |
|   |     |    |     | Filing Date              | April 7, 2004    |
|   |     |    |     | First Named Inventor     | Mark A. FLANNERY |
|   |     |    |     | Art Unit                 | 3673             |
|   |     |    |     | Examiner Name            | Robert G. SANTOS |
| Sheet   | two | of | two | Attorney Docket Number   | 2004-2156.CIP    |

| U.S. PATENT DOCUMENTS |                          |                 |                                      |                                |  |   |
|-----------------------|--------------------------|-----------------|--------------------------------------|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number          | Kind Code <sup>2</sup><br>(if known) |                                |  |   |
|                       |                          | US- 3,474,473   |                                      | 10-28-1969                     | Hannaberg  |   |
|                       |                          | US-             |                                      |                                |  |   |
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| FOREIGN PATENT DOCUMENTS |                          |                         |                     |                                 |                                |  |   |                |
|--------------------------|--------------------------|-------------------------|---------------------|---------------------------------|--------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document |                     |                                 | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>3</sup> |
|                          |                          | Office <sup>4</sup>     | Number <sup>4</sup> | Kind <sup>2</sup><br>(if known) |                                |  |   |                |
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| Examiner<br>Signature | Date<br>Considered |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.